

Appn. Number: 08/580,493

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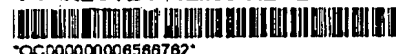
UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NUMBER | FILING DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLAIMS | IND CLAIMS |
|--------------------|-------------|--------------|---------------|-----------------|----------|------------|------------|
| 08/580,493 | 12/29/1995 | 3726 | 375 | | 4 | 20 | 2 |

CONFIRMATION NO. 5537

CORRECTED FILING RECEIPT



0000000006588762

PHILLIPPE JEAN HENRI BERNA
MAS LIOTARD LES BROUSSES
F 30410
MOLIERES SUR CEZE,
FRANCE

Date Mailed: 09/17/2001

Receipt is acknowledged of a CPA in this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

PHILIPPE J.H. BERNA, MOLIERES SUR CE, FRANCE;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 08/321,589 10/12/1994 ABN
WHICH IS A CON OF 07/938,211 09/03/1992 ABN

Foreign Applications

UNITED STATES OF AMERICA PCT/FR91/00190 03/08/1991
FRANCE 90/02916 03/08/1990

If Required, Foreign Filing License Granted 09/17/2001

CPA filed on: 08/23/2001

Projected Publication Date: 12/27/2001

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE DESIGNED TO HOLD OBJECTS

Page 2 of 3

WITHOUT DAMAGING THEM, SUCH A DEVICE AND ITS USE

Preliminary Class
029

Data entry by : CHAPMAN, NOVA

Team : 3700

Date: 09/17/2001

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#77

11/16/01
CTT

Appn. Number: 08/580,493
Appn. Filed: 1995 Dec 29
Applicant: Philippe Berna
Appn. Title: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE
DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A
DEVICE AND ITS USE.
Examiner/GAU: David Bryant/3726

Molières-sur-Cèze, France, 2001, November 16, Fri

COMPLAINT

Last Final Rejection Mailed 2001, March 16
Period for Filing a Response with Extension of 2 Months Expired 2001, August 16
Date FedEx delivered a Response at a PTO street address on 2001, August 16
Enclosed outstanding Filing Receipt Mailed 2001, September 17

Hon. Commissioner for Patents
Washington, District of Columbia 20231

Sir:

On 2001, August 16, at 09:13am was delivered by FedEx (please, see below a copy of the FedEx delivery information) at a street address of the PTO a request for continued examination in the form of a continuing patent application to above-mentioned application under old rule 37 C.F.R. 1.62. This address, which is 2900 Crystal Drive, Arlington, VA 22202, USA was indicated to applicant on phone number 1-800-PTO-9199 by a customer service officer, a woman, two days earlier, on 2001, August 14. FedEx now requires a street address to deliver. Surprisingly, the filing date which was given to this request by the people in charge at the PTO to check the applications has been 2001, August 23, i.e. seven days later (please, see below a copy of the filing receipt). And this request was also interpreted by same people as a Continuation Prosecution Application, which has motivated to petition the Commissioner for Patents on 2001, November 8 by facsimile transmission.

Normally, under rule 37 C.F.R. 1.6 (a) and (c), the filing date of a correspondence is the date at which the PTO receives this correspondence by post or by hand. As applicant heard from the Examiner on 2001, September 12 that in fact the filing date, which was given, was later than 2001, August 16, applicant paid as a provision one additional month extension of time fee: \$250.00 on 2001, September 13 by credit card and facsimile transmission. And the filing receipt of 2001, September 17 (please, see below a copy of it) confirmed that indeed this request received a filing date that was seven days later than the actual date at which this request reached the PTO. Yet, 2001, August 16 is a business day and is a priori not included in the Federal Holidays within the District of Columbia. D. Barfield signed the delivery receipt of FedEx. As applicant got no news on 2001, August 29, despite a receipt Self-Addressed properly Stamped Envelope (SASE) with list of sent items was enclosed in the correspondence, he phoned this person of the PTO

RECEIVED

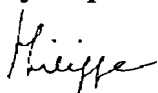
Appn. Number: 08/580,493

the same day. She told that her business was not to open the mail, just to transmit it to another person of the PTO whose name was D. Britt. And she gave to the applicant the phone number and the extension for reaching this another person: (703) 308 9401 extension 160. Applicant got on phone Mr. D. Britt several times between 2001, August 29 and September 5, asking him with perseverance to tell what filing date was given for the PTO to this correspondence. Mr. D. Britt asked the applicant two times the FedEx tracking number as well as the serial number. The first time, he told he would call the applicant back if the date given by the PTO would be later than 2001, August 16. He did not. The second time, he seemingly checked a computer screen and affirmed the applicant that the date given by the PTO was actually 2001, August 16. That leads to wonder why this filing receipt is a corrected one. Applicant never got in return the properly stamped for France (\$.80) receipt SASE with the list of items sent. Who did keep the stamps for his or her own use?

Already amendments sent by facsimile transmission on 2001, May 16 and 21, and correspondingly received by the PTO/unit 3720 at its number 703 305 3579 within its opening hours (respectively at 2.32pm and 3.34pm D.C. local time) were given a later date of receipt by one day. Also, these days were yet business days and a priori not included in the Federal Holidays within the District of Columbia. Applicant did not protest this time, because these late dates had almost no or little effect on the following part of the prosecution.

But today applicant asks with deference why dates of receipt later up to seven days than the actual dates of receipt could be given to correspondence received by hand or facsimile transmission by the PTO, and in particularly to this request for continued examination. And if in fact according to 37 C.F.R. 1.6 (a) and (c), 2001, August 16 should have been given as filing date to this request for continued examination, applicant respectfully entreats so that the fee of \$250.00 paid in excess on 2001, September 13 would be refunded to him. Applicant thanks very much in advance for the consideration, which will be given to this complaint.

Very respectfully submitted,

 BERN A

Philippe Berna, Applicant Pro Se

Mailing Address: Mas Liotard - Les Brousses, 30410 Molières-sur-Cèze, France;

Phone and Fax Number: (33) 46 624 3518

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper of five pages including this one and the three following ones for the copy of the delivery information from FedEx and for the copy of the filing receipt are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Philippe Berna

 BERN A

Signature

11/16/01

Date

Appn. Number: 08/580,493

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Memphis, TN 38104-0737

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August 28, 2001

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01133140833822

Dear Q MIQ :

Our records reflect the following delivery information for the shipment with the tracking number 826688000080.

Delivery Information:

Signed For By: D.BARFIELD

A handwritten signature in black ink, appearing to read "D. Barfield".

Delivered to: "PATENT AND TRADE OFFICE"
2800 CRYSTAL DR RM 383
ARLINGTON, VA 22202

Delivery Date: August 16, 2001

Delivery Time: 09:13 AM

Shipping Information:

Tracking No: 826688000080

Ship Date: August 10, 2001

Shipper: BERNA PHILIPPE

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